

ASSEMBLY BILL

No. 151

Introduced by Assembly Member Berryhill

January 17, 2007

An act to amend Section 830.1 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 151, as introduced, Berryhill. Peace officers: county custodial officers.

Existing law defines various persons as peace officers, including, among others, custodial officers in certain counties.

This bill would include custodial officers, as specified, in the Counties of Glenn, Lassen, and Stanislaus within the definition of peace officer.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 830.1 of the Penal Code is amended to
- 2 read:
- 3 830.1. (a) Any sheriff, undersheriff, or deputy sheriff,
- 4 employed in that capacity, of a county, any chief of police of a
- 5 city or chief, director, or chief executive officer of a consolidated
- 6 municipal public safety agency that performs police functions, any
- 7 police officer, employed in that capacity and appointed by the
- 8 chief of police or chief, director, or chief executive of a public

1 safety agency, of a city, any chief of police, or police officer of a
2 district, including police officers of the San Diego Unified Port
3 District Harbor Police, authorized by statute to maintain a police
4 department, any marshal or deputy marshal of a superior court or
5 county, any port warden or port police officer of the Harbor
6 Department of the City of Los Angeles, or any inspector or
7 investigator employed in that capacity in the office of a district
8 attorney, is a peace officer. The authority of these peace officers
9 extends to any place in the state, as follows:

10 (1) As to any public offense committed or which there is
11 probable cause to believe has been committed within the political
12 subdivision that employs the peace officer or in which the peace
13 officer serves.

14 (2) Where the peace officer has the prior consent of the chief
15 of police or chief, director, or chief executive officer of a
16 consolidated municipal public safety agency, or person authorized
17 by him or her to give consent, if the place is within a city or of the
18 sheriff, or person authorized by him or her to give consent, if the
19 place is within a county.

20 (3) As to any public offense committed or which there is
21 probable cause to believe has been committed in the peace officer's
22 presence, and with respect to which there is immediate danger to
23 person or property, or of the escape of the perpetrator of the
24 offense.

25 (b) The Attorney General and special agents and investigators
26 of the Department of Justice are peace officers, and those assistant
27 chiefs, deputy chiefs, chiefs, deputy directors, and division directors
28 designated as peace officers by the Attorney General are peace
29 officers. The authority of these peace officers extends to any place
30 in the state where a public offense has been committed or where
31 there is probable cause to believe one has been committed.

32 (c) Any deputy sheriff of the County of Los Angeles, and any
33 deputy sheriff of the Counties of Butte, ~~Kern~~, Glenn, Humboldt,
34 Imperial, Inyo, Kern, Kings, Lassen, Mendocino, Plumas,
35 Riverside, San Diego, Santa Barbara, Shasta, Siskiyou, Solano,
36 Sonoma, Stanislaus, Sutter, Tehama, Tulare, and Tuolumne who
37 is employed to perform duties exclusively or initially relating to
38 custodial assignments with responsibilities for maintaining the
39 operations of county custodial facilities, including the custody,
40 care, supervision, security, movement, and transportation of

1 inmates, is a peace officer whose authority extends to any place
2 in the state only while engaged in the performance of the duties
3 of his or her respective employment and for the purpose of carrying
4 out the primary function of employment relating to his or her
5 custodial assignments, or when performing other law enforcement
6 duties directed by his or her employing agency during a local state
7 of emergency.

8 SEC. 2. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety within
10 the meaning of Article IV of the Constitution and shall go into
11 immediate effect. The facts constituting the necessity are:

12 In order to provide specified counties as soon as possible with
13 the necessary flexibility in operating their custodial facilities so
14 that the counties may obtain efficient and effective staffing for the
15 custodial facilities, to the benefit of both those residing within the
16 facilities and those residing outside of the facilities, it is necessary
17 that this bill go into immediate effect.